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Enforcement of the South Coast AQMD's Warehouse Rule Is Coming

Two recent developments indicate that enforcement of South Coast Air Quality Management District's Warehouse Indirect Source Rule is coming soon.


1. The District has issued a press release announcing an enforcement initiative to bring warehouses into compliance with its Warehouse Indirect Source Rule, Rule 2305.
2. The US Environmental Protection Agency ("US EPA") has published notice of its intention to approve the Warehouse Indirect Source Rule, which will make the rule enforceable by environmental groups and other citizen enforcers.

Two years ago, the South Coast Air Quality Management District (the "District") adopted its Warehouse Indirect Source Rule – Rule 2305. The rule requires warehouse operators to account for truck trips to and from their facilities and mitigate the resulting diesel exhaust emissions, including by paying a mitigation fee to the District. For a more detailed discussion of its requirements see my article about the proposed rule [here](#).

Earlier this year, I wrote that the Center for Community Action and Environmental Justice, an environmental justice organization based in Riverside County, filed a federal lawsuit against the US EPA to compel it to approve Rule 2305, thereby making the rule enforceable by citizen suits under the federal Clean Air Act. You can read the article [here](#).

Now the US EPA has given notice of its intent to approve the Warehouse Indirect Source Rule as part of California's State Implementation Plan ("SIP") under the federal Clean Air Act. If and when it does so, anyone affected by a warehouse facility's indirect diesel exhaust emissions may file a federal lawsuit to enforce the rule. The US EPA is accepting written comments on its proposed approval of the rule until November 13, 2023.

In its press release last month the District explained that of the 2,000 warehouses subject to the rule, 1,400 are out of compliance. That number will likely increase next year when additional reporting requirements extend to warehouses over 150,000 square feet. "Time is up for those



not complying with our rule,” said the District’s Executive Director.

These developments foretell coming enforcement of Rule 2305 not only by the District, but by local warehouse opponents through federal citizen suits. Warehouse owners and operators should take note and confirm their compliance with Rule 2305.

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